

FY 2014

Environmental Justice

Implementation Plan

EPA Region 5



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National Environmental Justice Program Planning

The commitments in this Implementation Plan carry out national environmental justice (EJ) program activities under Plan EJ 2014, EPA's 2014–2018 Strategic Plan, and National Program Manager Guidance.

Plan EJ 2014

Through Plan EJ 2014, all EPA programs will integrate EJ in their work to achieve three fundamental goals: protect health and the environment in communities overburdened by pollution; empower communities to take action to improve their health and the environment; and establish partnerships to achieve healthy and sustainable communities. The Plan includes three major sections: (1) Cross-Agency Focus Areas (Rulemaking, Permitting, Compliance and Enforcement, Community-Based Action, and Administration-Wide Action); (2) Tools Development (Science, Law, Information, and Resources); and (3) Program Initiatives that address particular EJ issues of high national concern. For more details, including the implementation plans for each cross-agency focus area and category of tool development, see Plan EJ 2014 at <http://www.epa.gov/compliance/ej/plan-ej/>.

Region 5 is the regional lead for two elements of Plan EJ 2014: (1) Accelerating Compliance and Enforcement Initiatives; and (2) Tools Development – Law. Additionally, R5 participates on other Plan-EJ 2014 implementation teams including: permitting, community-based action, administration-wide action, and information (nationally consistent EJ screening).

A progress report on Plan EJ 2014 <http://www.epa.gov/environmentaljustice/resources/policy/plan-ej-2014/plan-ej-progress-report-2013.pdf> has been issued and FY 14 action plans to accomplish the last deliverables have been developed. Region 5 will contribute to the finish the deliverables as well as work on the next phase of planning for EJ work.

Strategic Plan

EPA's FY 2014-2018 Strategic Plan includes two Cross-Cutting Fundamental Strategies that include actions to address achieving environmental justice entitled Working Toward a Sustainable Future and Working to Make a Visible Difference in Communities which both contain commitments toward achieving environmental justice. Some areas are highlighted below.

In the working toward a sustainable future:

- Expand the conversation on environmentalism by engaging and empowering stakeholders, including groups with which EPA has not traditionally worked, using multiple forms of outreach, collaboration, and information.

In working to make a visible difference in communities:

- Align community-based activities to provide seamless assistance to communities, both urban and rural, while maximizing efficiency and results. Expand support of community efforts to build healthy, sustainable, green neighborhoods and reduce and prevent harmful exposures and health risks to children and underserved, overburdened communities. EPA must work collaboratively across all programs and hand in hand with other federal agencies, states, tribes, and local communities to improve the health of all families and protect the environment. EPA must expand the work we do to enhance the resiliency, health, and economic vitality of neighborhoods through increased analysis, better science, and enhanced community engagement while continuing to advance environmental justice and ensure the protection of basic fundamental rights.
- Improve internal coordination, alignment, and accountability for EPA community-based activities, programs, and tools in order to advance environmental results for communities.
- Increase public access to EPA community-based resources, helping communities recognize their full engagement potential and problem-solving capacity.
- Build on existing partnerships to create lasting, inclusive, collaborative community networks that include government and other public and private entities.

[Placeholder - will insert info from final FY '14 action plan & link to regional activities, when available]

Region 5 Environmental Justice Program

Region 5 is implementing Plan EJ 2014 and addressing Regional EJ priorities in the Great Lakes Region. In FY 14 we will focus on promoting environmental justice in three areas: permitting, enforcement, and community-based work. Each Division has committed to work in these areas. This work and associated commitments are summarized below. The EJ program will report on progress at midyear and end of year.

Permitting

Considering Environmental Justice Concerns in EPA's Permitting Process: Participation of overburdened communities in the permitting process is an important way to ensure that our permitting process meaningfully addresses environmental justice concerns. Region 5 has developed a Region 5 permitting implementation plan to carry out the agency-wide guidelines for EPA's permitting programs that are presented in "Proposed Regional Actions to Promote Public Participation in the Permitting Process" (77 FR 3805, June 26, 2012). This plan is in Appendix A and at <http://www.epa.gov/compliance/ej/resources/policy/plan-e2014/permitting/2013-05-region-05-plan.pdf>.

Commitment	Measurement / Deliverables	Documented Results
Identify permits in EJ areas of concern where Region took action to address EJ concerns	<p># of permits with enhanced public participation</p> <p>Extended public comment, Public comment when none is required, Additional public meetings, hearings, Materials in locally spoken languages, other</p> <p># of permits with enhanced permit terms</p> <p>Including but not limited to enhanced controls, monitoring requirements, compliance measures, emissions limits, work practices, or ongoing community engagement</p>	<p># of permits with enhanced public participation (examples of what was done)</p> <p># of permits with enhanced permit terms (examples of what was done)</p> <p>Quarterly updates</p>
Identify permits in EJ areas of concern where Region encouraged state to take action to address EJ concerns	# of permits where Region recommended action	<p># of permits where Region recommended action (examples of what was done, action taken by state)</p> <p>Quarterly updates</p>
Provide mid-year and EOY update on integration commitments	Integration commitments for each division here This could include training (internal or states), SOPs, etc.	Mid-year and end of year updates

In addition, each permitting program has made commitments to support integration of EJ into decision-making and to provide meaningful context for quantitative results. The integration commitments include a focus on working with states on capacity building and information

sharing; screening all permit applications, modifications, approvals and other actions for potential EJ concerns; including an EJ component in the permit review selection process; enhanced community outreach in areas where EJ concerns are identified; developing SOPs to include EJ considerations; and conducting analyses as appropriate to evaluate disproportionate impacts.

Permitting Results and Reporting

Quarterly: Permitting staff will:

- Screen all federally issued permits for environmental justice concerns;
- Identify permits in areas of EJ concern where the Region (or a state, with Regional input) exercised discretionary authorities to address EJ concerns (Examples of information to include: extended public comment, public comment when none is required, extra hearings, materials in multiple languages, extra controls negotiated, and encouraging dialogue between a company and its neighboring community);
- Work with States to support and document State permitting activities that address EJ concerns.

Enforcement

Accelerating Compliance and Enforcement Initiatives: Enforcement programs will consider EJ throughout their work as called for in OECA's FY14 NPM Guidance.

Enforcement Results and Reporting

	Commitment	Measurement / Deliverables	Reporting Results
OECA	Provide number of inspections and enforcement actions in areas of EJ concern	Benefits of enforcement in areas of EJ concern (quantitative reporting on outputs and outcomes)	Midyear and end of year (R5 OECA will develop reports, w/ ECAT input as needed)
	Provide EJ case highlights	Narrative summaries of concluded cases that address EJ benefits.	Quarterly updates in EJ database (coordinate w/ ECAT)
All Programs	Submit press release with EJ benefits	Enforcement press releases include language on EJ benefits (following OECA guidance)	Attach press releases to EJ database (coordinate w/ ECAT, OPA)
	Target inspections to areas of EJ concern	Report on inspections and enforcement results in geographic target areas	Midyear and end of year (R5 OECA will develop reports, w/ ECAT input as needed)
	2-3 EJ integration commitments	Each division has several commitments that support further integration of EJ into programs	Midyear and end of year

Community-Based Programs

Supporting Community-Based Action Programs: Region 5 programs incorporate a focus on environmental and health issues that matter to overburdened communities, and that support community empowerment. Region 5 does so at different scales and using a range of approaches, from delivery of voluntary and grant programs to comprehensive approaches that coordinate a range of tools to support locally-driven development of sustainable communities.

Voluntary and grant programs, as well other programs with a focus on communities, have made commitments for FY 14 based on the NPM guidance, Plan EJ 2014 and the FY 14 strategic plan action plan. See Appendix B for a list of the commitments per Division.

Highlights of the FY 14 community-based EJ commitments include:

- The *Air & Radiation Division* (ARD) will hold asthma education sessions and conduct targeted community based initiatives;
- *Land & Chemicals* (LCD) will hold Lead RRP rule trainings and host trainings on bedbugs and IPM;
- *Superfund* (SFD) will support brownfields job training programs, as well conduct community involvement and outreach;
- The *Water Division* (WD) will restore urban river corridors and spearhead Urban Waters projects.
- *Office of Compliance and Enforcement* (OECA) will administer the Collaborative Problem Solving cooperative agreement program which provides financial and technical assistance to one grantee per region to address environmental health problems in a community. The Cleveland office will work with the water division and superfund to track and report on green demolition activities.

As lead for the *Northwest Indiana Multimedia Community-Based Pilot*, Superfund will address cross-Region planning and reporting separately from this EJ implementation plan. OECA supports this project by providing technical public health expertise to contribute to reducing health disparities in Gary and East Chicago. OECA EJ program gives input on community involvement techniques and supports community empowerment in the communities in Northwest Indiana through advice and education.

Each Division will report on the community-based programs:

Quarterly: Provide updates on commitments (each Division and Region 5 OECA).

Mid-year and EOY: Retrospective reporting on program benefits to communities with EJ concerns with narrative discussion of major accomplishments and quantitative results.

Limited English Proficiency Plan

As stated in EPA's LEP Order 1000.32, EPA encourages its programs and activities to ensure meaningful access through appropriate policies and procedures for providing language assistance to fulfill their Civil Rights Act Title VI responsibilities. The LEP Order required each EPA program and office to develop an LEP review plan. Region 5's LEP plan is in Appendix C.

Region 5 will screen actions to look for communities that will need assistance with translation in order to effectively communicate. Screening for limited English proficiency can be done through EJ SCREEN and actions to accommodate can be taken accordingly. Region 5 staff and managers will use available tools to provide language assistance in outreach and education and track those results.

Commitment: Each Division will report quarterly on the number of people reached through translation in meetings and through translated materials.

Region 5 OECA EJ Program

Region 5's EJ program is located in the Office of Enforcement and Compliance Assurance (OECA). The Office coordinates with Divisions, the Office of Regional Counsel and the Indian Environmental Office through the EJ Steering Committee. Enforcement planning and reporting is also coordinated with the Enforcement and Compliance Assurance Team. The OECA EJ team meets on a regular basis with members representing topical areas such as NEPA, enforcement and compliance assistance, mapping, and state and interagency coordination and communication. The EJ program helps all Region 5 Divisions and Offices – including other components of R5 OECA – take full ownership of EJ as a meaningful, integrated part of their programs, policies and activities.

The goals of the R5 OECA EJ program for FY 14 are:

1. Region 5 effectively integrates EJ principles in its work;
2. Region 5 actively participates in national EJ program development and planning;
3. Region 5 promotes and supports actions by our co-regulators to achieve EJ;
4. Region 5 works with overburdened and vulnerable communities to recognize and address their EJ concerns;
5. Region 5 communicates effectively with a range of stakeholders about its EJ program.

See Appendix D for a detailed discussion of OECA's plan

APPENDIX A

Environmental Justice Permitting Regional Implementation Plan To Promote Enhanced Public Participation in Permitting US EPA Region 5

Introduction

Public participation in the permitting process helps to ensure that permits issued by Region 5 meaningfully consider environmental justice concerns. An “environmental justice concern” (EJ concern) is the actual or potential lack of fair treatment or meaningful involvement of minority, low-income, or indigenous populations or tribes in developing, implementing, or enforcing environmental laws, regulations, and policies.

This plan describes how Region 5 will implement the guidelines provided in “Proposed Regional Actions to Promote Public Participation in the Permitting Process” (77 FR 3805, June 26, 2012). It covers four points:

- (1) what types of permits will be prioritized;
- (2) how these permits will be reviewed for EJ concerns;
- (3) how the Region will promote public participation where it identifies EJ concerns; and
- (4) program roles and responsibilities in carrying out this plan.

This plan is effective starting October 31, 2012. It will be reviewed annually, and updated as needed.

Categories of Permits for Enhanced Public Involvement

Permitting programs will screen all applications for federally-issued permits, and will prioritize actions to enhance public participation in permitting projects where EJ concerns are identified. Specific categories of applications to be screened for EJ concerns include:

- Construction permits under the Clean Air Act, especially new major sources (or major modifications of sources) of criteria pollutants, tribal minor New Source Review permits, and operating permits;
- Significant Underground Injection Control Program (UIC) permits under the Safe Drinking Water Act for Class I, II, and III wells, and Class VI wells for Geologic Sequestration of CO₂;

- Resource Conservation and Recovery Act (RCRA) permits associated with new combustion facilities or modifications to existing RCRA permits that address new treatment processes or corrective action cleanups involving likely potential off-site impacts;
- Approvals for new polychlorinated-biphenyls (PCB) commercial storage and PCB waste disposal in commercial landfills under Toxic Substances Control Act (TSCA) (*Note: as used throughout this plan, the term “permits” includes such approvals.*);
- “Major” industrial National Pollutant Discharge Elimination System (NPDES) permits (as defined in 40 CFR 122.2) under the Clean Water Act that are for new sources or new dischargers, or existing sources with major modifications, including, but not limited to, a new outfall, a new or changed process that results in the discharge of new pollutants, or an increase in production that results in an increased discharge of pollutants;
- “Non-Major” industrial NPDES permits (as defined in 40 CFR 122.2) under the Clean Water Act that are identified by EPA on a national or regional basis as a focus area, for new sources or new dischargers, or existing sources with major modifications, including, but not limited to, a new outfall, a new or changed process that results in the discharge of new pollutants, or an increase in production that results in an increased discharge of pollutants.

The Region plans to screen new permit applications and applications for permit renewal where;

- Community members have raised plausible EJ concerns; or
- EPA has other information indicating EJ concerns related to the permit.

EJ Screening and Review of Permit Applications

EJ screening considers environmental and demographic indicators to identify geographic areas where there is a relatively high potential for EJ concerns to arise. Environmental indicators are direct or proxy estimates of pollution levels and demographic indicators are proxy estimates of a community’s vulnerability to pollution. Where screening indicates EJ concerns related to the permit application, Region 5 will review additional information as follows.

The Region plans to review information to understand possible environmental and human health impacts to the community from the proposed permit, as well as existing susceptibility to such impacts, so that it is prepared to address these specific concerns in our public involvement efforts and consider them as appropriate when reviewing an application. This could include:

- Location of sensitive receptors (e.g., schools and day care centers, clinics and hospitals, local businesses);
- Demographic information that is relevant to susceptibility and potential extent of impacts, such as age, population size, race and ethnicity, and economic status; and

- Information relating to specific environmental and public health concerns that have been raised by the community.

The Region plans to also review information to help us develop an effective approach to enhancing public participation for permits with EJ concerns. This could include:

- Demographic information that is relevant to effective communication, such as primary language spoken and education level;
- Information on community-based organizations and environmental organizations to include in outreach efforts, and to ask for input on the public participation approach as needed (e.g., suitable locations for community meetings, or ways to effectively reach community members); and
- Location of local neighborhood associations and religious institutions that may provide effective venues for outreach efforts.

Enhanced outreach activities

Where screening and review of an application for a new permit or renewal of an existing permit raises EJ concerns, the Region will take action to ensure meaningful public involvement in that permitting process. The following activities will be considered in the context of specific permits, taking into account all available information about the proposed project and the community:

- The Region will increase internal oversight for the EPA-issued permit, including coordination among affected offices throughout the permitting process if the facility is applying for more than one permit.
- The Region will encourage enhanced outreach by the applicant (for new permits) or permittee (for permit renewals). This may include encouraging the applicant or permittee to:
 - provide EPA with a plain-language description of its proposed project that can be shared with community members; and
 - apply EPA guidance on environmental justice, such as the “Guidance to Permit Applicants Seeking EPA-issued Permits: Ways to Engage the Communities At Your Fence-line.”
- The Region will share information about the permitting action and the proposed permit with community members, through means such as:
 - holding informational meetings;
 - ensuring that public notices reach the impacted community and are written in plain language;

- ensuring the community has access to important public documents;
 - using communication techniques the community values (such as direct mailings, articles in local newspapers, emails to list serves, etc.);
 - extending the public comment period, when appropriate; and
 - responding to community questions and concerns, especially those of a technical nature and those about environmental justice.
- The Region will plan for one or more public meetings, and will:
 - seek to hold public meetings (including meetings required to meet regulatory requirements, such as hearings) at times and places in the community best designed to afford the public a meaningful chance to attend; and
 - offer translation services for communities with multi-lingual populations (including interpreters at public meetings or translations of public documents), when appropriate and allowed by our budget.
 - The Region will ensure appropriate follow-up with community stakeholders after the permit has been issued, by providing a summary of EPA's response to comments to the community and letting community members know where they can find the full response to comments.

Roles and Responsibilities of Regional Programs

This plan applies to permitting in the following program offices: the Air Programs Branch, the UIC Branch, the NPDES Program Branch, and the RCRA Program Branch (which also issues TSCA permits).

The permit engineer in each permitting program is responsible for the following actions: screening; additional review; planning for enhanced outreach when appropriate; and implementing enhanced outreach as planned. Each Branch Chief will develop appropriate procedures as needed to ensure action under this plan.

Region 5's Environmental Justice program, located in OECA, will:

- provide training on how to conduct EJ screening, as needed;
- assist permitting programs as needed by facilitating contact with community and environmental justice groups;
- provide support as needed to respond to community EJ concerns; and
- review plan implementation, including identifying any needed updates to the plan.

APPENDIX B: Community-Based Commitments

Chart B1. WD Community-Based EJ Commitments

Water Division	Project or Program	Commitments	Measurement/Deliverables	Lead
	Support Cincinnati Project	Project to create a new urban drainage corridor with floodway capacity and riparian park areas and trails, and will support Brownfield site assessments in the area.	New urban drainage corridor substantial progress.	Peg Donnelly
	Support Cleveland Project	Project working on protecting Lake Erie and making near shore waters safe for swimming and recreation. Restore and protect urban rivers including the Cuyahoga using green infrastructure to implement stormwater management.	Progress on Lake Erie, Cuyahoga River, and Green Infrastructure.	Peg Donnelly
	Support Northwest Indiana Urban Waters pilot partnership	Support Northwest Indiana Urban Waters pilot partnership in development and implementation of workplan with federal, state, and local partners. Provide technical assistance on priority projects.	Major accomplishments	Peg Donnelly
	Urban Waters	Support to Toledo and Grand Rapids locations as Urban Waters Federal Partnership sites.	Major accomplishments in these two cities	Peg Donnelly

Chart B2. SFD Community-Based EJ Commitments

Superfund Division	Project or Program	Commitment	Measurement/Deliverables	Lead/Target
	Job Training Program	Track the progress Job Training Program	<ul style="list-style-type: none"> • Number of participants enrolled; • Number of graduates; and • Number of graduates to receive employment 	Linda Morgan
	Grants Program	Provide grant application award and recognition for Brownfield communities in areas of potential EJ concern	<ul style="list-style-type: none"> • Number of grants awarded; • Number of meetings and conference calls 	Mike Gifford
	Community Involvement and Outreach Program	External Outreach: Use existing tools to reach out to EJ communities	<ul style="list-style-type: none"> • Public meetings and information sessions with churches, libraries, schools, organizations, businesses and community groups; • Inform community and their civic / industry leaders; • Develop brochures, a bilingual Webpage, and translate materials. 	Janet Pope

Chart C3. LCD Community-Based EJ Commitments

Environmental Justice (EJ) Activities

LCD will support the Region 5 Environmental Justice Program and implement LCD's commitments in the FY 14 Region 5 EJ Action Plan. Implementing EJ across LCD programs is an integral part for addressing sustainable communities' plan 2014.

FY 14 community-based EJ commitments include: Lead RRP rule training, Bedbug training Pesticide Program, focus on areas with EJ concerns in Enforcement and Permitting.

Chemicals Management Branch EJ Commitments

EJ- CMB/TS	Support Environmental Justice at Region 5 EJ Target Areas through the Reduction of Priority Chemicals
Action Items	Provide 5 training classes on the lead-based paint renovation (RRP) program in EJ communities in Chicago, IL, E. Chicago and Gary, IN, and Cincinnati, OH, increasing the number of Lead-Safe Renovators available to work in those areas having large numbers of lead poisoned children.
Schedule	September 30, 2014
Deliverables	Report on RRP training program project
Responsible Manager	Mardi Klevs
Goal/Objective/Sub objective	Goal 4.1
Outputs/Outcomes	Increase in certified RRP workers in EJ communities

EJ- CMB TS Enforcement	Support Environmental Justice at Region 5 EJ Target Areas through the Reduction of Priority Chemicals
Action Items	Target inspections to areas of EJ concern
Schedule	September 30, 2014
Deliverables	Report # Enforcement Actions targeted
Responsible Manager	Mardi Klevs
Goal/Objective/Sub objective	Goal 4.1 Compliance and Environmental Stewardship; Objective 5.1: Improve Compliance
Outputs/Outcomes	Increase the percentage of communities targeted for enforcement actions in EJ

	communities.
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EJ - CMB/PS	Supports reduction in uses of pesticide EJ Community and promote IPM
Action Items	Provide training and outreach about pesticide safety, bed bugs, and pesticide application education
Schedule	September 30, 2014
Deliverables	Five training presentations to Chicagoland senior center residents to raise bed bug awareness & introduce IPM management & pesticide safety techniques
Responsible Manager	Mardi Klevs
Goal/Objective/Sub objective	Objective 4.1 Chemical and Pesticide Risks
Outputs/Outcomes	Increase knowledge of IPM and bed bug management

EJ - CMB/PS	Supports reduction in uses of pesticide EJ Community and promote IPM
Action Items	Provide training & outreach promoting IPM practices in schools
Schedule	September 30, 2014
Deliverables	10% of outreach activities - Participate in outreach activities to generate interest in School IPM (10% of the outreach activities will be targeted to schools with potential EJ concerns)
Responsible Manager	Mardi Klevs
Goal/Objective/Sub objective	Objective 4.1 Chemical and Pesticide Risks
Outputs/Outcomes	Increase the number of schools that aware of IPM
EJ - CMB/PS	Supports reduction in uses of pesticide EJ Community and promote IPM
Action Items	Work with federal & community organizations on developing bedbug awareness& bed bug biology, management actions, avoiding infestations
Schedule	September 30, 2014
Deliverables	One training presentation (e.g., to HUD grantees) held to raise awareness about bed bugs and to introduce IPM practices to assist people in low income housing

Responsible Manager	Mardi Klevs
Goal/Objective/Sub objective	Goal 4.1
Outputs/Outcomes	Increase grantee knowledge of bed bug and IPM

Program Service Management Program EJ Commitments

The Program Services Branch (PSB) has the responsibility for the overall coordination of LCD's Tribal Program including the implementation of any cross-programmatic activities. These include: (1) development and tracking of LCD's Tribal Environmental Agreement (TEA) commitments; (2) coordination on Tribal Consultation activities and (3) coordinating LCD's participation in the Regional Tribal Operating Committee (RTOC)

EJ- Tribal - PSB/IO	Coordination of LCD's Tribal Program Commitments
Action Items	<ul style="list-style-type: none"> • Coordinate the development of TEA commitments on an biennial basis and quarterly tracking of commitments • Coordinate any tribal consultations led by LCD • Coordinate LCD participation in RTOC meetings
Schedule	<ul style="list-style-type: none"> • Q2 - TEAs are reviewed and completed according to timeframes set by IEO • Bi-Annually - Review RTOC agenda and brief LCD Director on possible participation • Ongoing - If LCD leads any tribal consultations, ensure SOPs are followed
Deliverables	<ul style="list-style-type: none"> • Reviewed TEAs submitted to IEO
Responsible Manager	Allen Melcer
Goal/Objective/Sub objective	Goal 3: Land Preservation and Restoration; Objective 3.1: Preserve Land and 3.2 Restore Land; Goal 5: Compliance and Environmental Stewardship; Objective 5.1: Improve Compliance; Goal 4: Healthy Communities and Ecosystems; Objective 4.1 Chemical and Pesticide Risks
Outputs/Outcomes	<ul style="list-style-type: none"> • Number of TEA commitments completed and reported on time • LCD Tribal SOP fully implemented • National EJ Tribal Strategy fully implemented

Corrective Action EJ Commitment

EJ Corrective Action	Support by EJ Targeting Enforcement Areas
Action Items	Target inspections to areas of EJ Concern
Schedule	September 30, 2014

Deliverables	Report on inspections and enforcement results in geographic target area
Responsible Manager	Jose Cisneros
Goal/Objective/Sub objective	Objective 5.1: Improve Compliance
Outputs/Outcomes	Increase the percentage of enforcement actions in EJ communities.

EJ Corrective Action	Accelerating Compliance and Enforcement Initiatives
Action Items	Provide EJ Case highlights
Schedule	September 30, 2014
Deliverables	Narrative summaries of concluded cases that address EJ Benefits
Responsible Manager	Jose Cisneros
Goal/Objective/Sub objective	Objective 5.1: Improve Compliance
Outputs/Outcomes	Increase the percentage of enforcement actions in EJ communities.

RCRA Branch EJ Commitments EJ 1	RCRA Permits/Renewals and TSCA Approvals, incorporating Environmental Justice (EJ) activities in permitting/approval process
Action Items	<ul style="list-style-type: none"> • Conduct state file reviews to reinforce federal oversight and implementation of regional priorities including EJ; • Assist states via new and existing EJ tools for permitting and R5 EJ Implementation Plan; • As part of quarterly conference calls with State RCRA permit managers, ensure that discussions on integration of EJ analyses in permit writing is a standing agenda item. • Screen state RCRA permit renewal applications, as well as federal TSCA approval applications, for potential EJ concerns using EJSCREEN; • Continue to represent R5 RCRA program on National Environmental Justice 2014 workgroup; • Continue to serve as LCD representative to EJ Steering Committee; • For federal-only permits/renewals/approvals, provide enhanced outreach and public involvement as necessary to any facility determined to have potential EJ concerns. Encourage facilities to (1) identify potential EJ issues and enhanced public participation activities in the application, and (2) conduct appropriate activities during the pre-application period. • For state-issued and joint permits, encourage all states to incorporate enhanced outreach and public involvement as necessary to any facility-determined to have a potential EJ concern; • Continue to refine inventory and tracking systems for permit decisions to ensure agencies have advance notice of upcoming decision in potential EJ area; • Identify issues that prevent certain backlogged permits in potential EJ areas from being renewed (e.g., bankrupt facilities)
Schedule	Sep 30, 2014
Deliverables	<ul style="list-style-type: none"> • Enhanced public participation as appropriate for federally issued and joint permit/approval decisions, and where possible for state permit decisions.
Responsible Manager	Gary Victorine
Goal; Objective/Sub objective	<p>Goal 3: Cleaning Up Communities and Advancing Sustainable Development;</p> <p>Objective 3.2: Preserve Land</p>
Outputs/Outcomes	Approved and Updated Controls
ACS Commitments and other Targets	<ul style="list-style-type: none"> • Combined number of hazardous waste management facilities with new or renewed permits, or other approved/updated controls in place: Target 18 combined federal, joint, and state-only permit decisions. All of these will at a minimum have EJ analysis conducted.

RB EJ2	Conduct RCRA-C hazardous waste facility inspections in potential environmental justice areas
Action Items	Conduct generator inspections in EJ areas in Region 5
Schedule	FY14
Deliverables	Inspection reports and completion of enforcement actions
Responsible Manager	Gary Victorine
Goal/Objective/Sub objective	Goal 5: Enforce Environmental Laws
Outputs/Outcomes and Targets	OECA NPM Guidance Priority Inspections of generators in EJ areas : Target: Minimum of 40 RCRA-C inspections in PEJ areas.

Materials Management Branch EJ Commitment

Waste management continues to be one of the most important environmental issues facing tribes. Our combined expertise in solid waste and Pollution Prevention (P2) has been used to move tribal waste programs forward towards integrated waste management practices in Indian country.

EJ- Tribal - MMB	Improve the capacity of R5 tribal Integrated Waste Management and P2 programs
Action Items	<ul style="list-style-type: none"> • Provide technical assistance to tribes on integrated waste management plans: assist tribes in using the sustainable evaluation tool to develop IWMP, review, and provide comments on draft IWMPs, if funding is available, support tribal IWMP development or implementation. Per TEA commitments, assistance will be made to the following tribes: Forest County, Menominee, Red Cliff, St. Croix, Saginaw, (note: may continue to revise/update as TEAs are submitted and reviewed) • Conduct quarterly tribal webinars to address topics of concern, promote peer exchange, and promote available tools and resources. • Participate and contribute to green casino national effort • Provide TC oversight to IAG with IHS, GLRI grant to Keweenaw Bay, NWRPC
Schedule	All activities ongoing
Deliverables	<ul style="list-style-type: none"> • Comments submitted to tribes upon review of draft IWMPs. • Responses to each TEA • Comments on GAP workplan and progress reports • TC Reports on grants • Results of green casino assessments documented
Responsible Manager	Jerri-Anne Garl

Goal/Objective/Sub objective	<p>Goal 3: Cleaning up Communities and Advancing Sustainable Development</p> <p>Objective 2: Preserve Land: Conserve resources and prevent land contamination by reducing waste generation, increasing recycling and ensuring proper management of waste and petroleum products.</p> <p>Goal 4: Ensuring safety of chemicals and preventing pollution</p> <p>Objective 2: Promote Pollution Prevention: Conserve and protect natural resources by promoting pollution prevention and the adoption of other stewardship practices by companies, communities, governmental organizations, and individuals.</p>
Outputs/Outcomes	<ul style="list-style-type: none"> • 4 webinars with all R5 tribes invited • 1 Tribe with new IWMP • Results of green casino assessments are documented
ACS Measure	Number of tribes covered by an integrated waste management plan (TR1) (Target 1)

Chart B4. ARD Community-Based EJ Commitments

Air and Radiation Division	Project or Program	Commitments	Measurement/Deliverables	Lead
	Asthma	Track # of people educated about environmental mgmt. of asthma & childhood exposure to ETS in EJ areas of concern Track # of healthcare professionals trained on environmental mgmt. of asthma and childhood exposure to ETS in EJ areas of concern	Aggregate # of people with asthma/caregivers educated related to EJ areas of concern Aggregate # of healthcare workers trained on mitigations related to EJ areas of concern	Monica Paguia
	Toxics	Work with MPCA on joint priority	Report on progress on commitments including responding to community needs and monitoring projects	Jackie Nwia
	Community Based	Division wide community based effort	TBA	

B5. R5 Environmental Justice Collaborative Problem Solving (CPS) Program and EJ Small Grants (LCD/OECA)

Project Description: The Region 5 Environmental Justice CPS Corporate Agreement program will provide financial and technical assistance to the one regional recipient and ensure sound project management. LCD and OECA will administer the four FY 13 EJ small grants.

Measurable Outputs/Outcomes Include:

- Short-term: FY 13 EJ CPS CA awarded on time.
- Medium-term: EJ Grantees complete commitments meeting all grant & programmatic requirements.
- Longer-term: EJ Grantees will submit final reports; grants will be closed out; and results will be evaluated and shared with OEJ
- Number of grants awarded
- Number of EJ communities reached
- Environmental results reported pursuant to EPA Order 5700 Environmental Results for Grants

Milestones:

- CPS RFP published in November 2013
- Regional Review completed March 2013; competition documentation submitted to OEJ
- Region 5 EJ CPS CA awarded by June 2013
- Semi-annual reporting submitted to OEJ and R5 OECA
- Success Stories developed and submitted to OEJ and R5 OECA by end of FY 14 for CPS and EJ small grants
- Complete open small grants on schedule

APPENDIX C: Limited English Proficiency (LEP) Plan Implementation Strategy

Introduction

Region 5's *Limited English Proficiency (LEP) Plan* has been added to the region's FY 13 *Environmental Justice Implementation Plan*. It focuses on LEP plan commitments and specific steps to implement them, using the latest available EJ screening tools.

Implementation of the LEP plan will ensure Region 5's compliance with Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, August 11, 2000; the *Guidance to EPA Financial Assistance Recipients Regarding Title VI Protection Against National Origin Discrimination Affecting Limited English Proficient Persons*, August 2004, and EPA Order 1000.32, *Compliance with Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency*, July 8, 2011.

During FY 13, Region 5's EJ screening approach will transition from EJ Assist to EJSCREEN. For screening to determine LEP, we will use EJSCREEN from the outset to identify projects where LEP implementation is likely to be needed. For projects likely needing LEP actions, programs will carry out the four factor assessment as described in EPA Order 1000.32 to determine if special measures are needed to ensure that LEP groups and individuals have access to EPA information and can effectively participate in regulatory functions.

The four factors are:

1. The number or proportion of LEP persons encountered in the impacted population;
2. The frequency with which LEP individuals come in contact with the EPA program or activity;
3. The nature and importance of the program, activity or service provided by EPA;
4. Resources and costs.

Region 5 LEP Screening Approach

EPA's EJ screening tools can be used to determine the presence of linguistically isolated populations in a given location.

1. - In EJSCREEN, define the area of interest (e.g., the area impacted by a facility or other source of pollution, or the area in which a community-based project is to occur, etc.)

either by defining a circular buffer around a geographic point or simply by visually identifying the area visually on the map.

2. Open the "Color-Coded Mapping" widget. (You may wish to set the transparency levels of the four sets of data layers to a setting greater than zero, the default setting, by selecting the transparency slider immediately to the right of each of the headings for the four sets of layers and moving the slider to the desired level of transparency. Somewhere between 40% and 70% transparency often works well.)
3. Open the "Demographic Data" folder, and then open the "Demographics detail" subfolder to reveal the individual demographic attribute data layers.
4. Select the "% linguistic isolation" layer.
5. You will see that the block groups on the map are now color-coded to represent varying levels of linguistic isolation. The Region 5 screening approach for linguistic isolation suggests that the user identify and consider taking special language-oriented measures when the level of linguistic isolation is at or above the 95 percentile nationally. Block groups at this level of linguistic isolation are indicated by the color red on the color-coded map. This level of linguistic isolation equates roughly to 1 in 4 households in a block group. If resources allow addressing linguistic isolation at lower levels than this, the user may identify block groups color-coded orange (roughly 15% - 24% of households), or even yellow (roughly 7% to 14% of households).

Resources

1. Region 5 Office of Public Affairs has a communications strategy, *Outreach Plan to Target Specialty Media*, that targets under-represented groups by reaching out to underserved community media outlets, including newspapers, magazines and websites. Programs should refer to this strategy when reaching out to underserved communities through media outlets, including newspapers, magazines and websites.
2. The Region 5 EJ intranet page has an LEP section that serves as a resource for managers and staff interacting with groups and/or individuals who do not speak or read English well or, at all. The intranet page helps EPA provide LEP individuals or groups information, assistance and or the means to participate in a regulatory process. The intranet page houses an inventory of translated products, services, multilingual staff and contractors available. This includes available contracts for translation services, and a directory of Region 5 bi or multi-lingual staff that may be used in special situations e.g. take a telephone call or respond to an e-mail.

Implementation Actions

1. The Divisions and Offices within Region 5 will establish internal procedures for conducting and approving each Four Factor Assessment with support from EJ SCREEN during the second half of FY 13. Results of screening and translation services provided for EPA actions will be recorded in FY 14 in the EJ database. These results will be provided to the Region 5 Office of Civil Rights to support monitoring, tracking and reporting compliance with Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000).
2. Determining special measures to address LEP will be determined by the media programs on a case-by-case basis, based on assessment results.
3. LEP training needs will be incorporated into existing EJ training, including EJSCREEN training and numbers trained will be reported.

APPENDIX D: OECA EJ Planning Framework – FY 14

Environmental Justice Definition & Principles

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies. *Meaningful involvement* means that:

1. people have an opportunity to participate in decisions about activities that may affect their environment and/or health;
2. the public's contribution can influence the regulatory agency's decision;
3. their concerns will be considered in the decision making process; and
4. decision makers seek out and facilitate the involvement of those potentially affected.

The term "*environmental justice concern*" (EJ concern) is used to indicate the actual or potential lack of fair treatment or meaningful involvement of minority, low-income, or indigenous populations, or tribes, in the development, implementation, and enforcement of environmental laws, regulations, and policies.

Environmental Justice Goal

EPA's goal is to provide an environment where all people enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process to maintain a healthy environment in which to live, learn, and work.

Region 5 EJ Program Goals and Projects

1. Region 5 effectively integrates EJ principles in its work.

Within Region 5, OECA's EJ program coordinates and communicates with other Offices and Divisions to support their actions to implement EJ policy in their programs. We work primarily with the EJ Steering Committee, which includes representatives from WD, ARD, LCD, SFD, ORC, and OCR. The EJ program helps all Region 5 Divisions and Offices – including other components of Region 5 OECA – take full ownership of EJ as a meaningful, integrated part of their programs, policies and activities.

- a. Establish FY 2014 Region 5 EJ Implementation Plan
 - i. Revise from FY14 plan based on program changes since previous year.
 - ii. Obtain program commitments for enforcement, permitting, and community-based work.
 - iii. Track progress on commitments (review with EJ Steering Committee as needed).
 - iv. Report results as necessary and at end of year.
 - v. Incorporate and implement LEP plan as part of FY14 EJ Plan.
 - b. Lead the EJ Steering Committee
 - i. Develop monthly agenda to discuss Region 5 EJ implementation & share information on national EJ program developments
 - ii. Consult EJSC when Region-wide input is needed on EJ topics
 - c. Develop and provide training to give programs the framework and tools to identify and address EJ concerns.
 - d. Lead NEPA program implementation of EJ
 - e. Lead ECAT and R5 OECA development of enforcement targeting strategies and remedies that consider EJ.
 - f. Provide EJ screening and analysis support to programs, as needed
2. Region 5 actively participates in national EJ program development and planning. Within EPA, OECA's EJ program participates in national EJ program development and planning that has significant implications for how Region 5 identifies and addresses EJ concerns. We engage other programs with relevant expertise through the EJSC.
- a. Support effective participation by Region 5 in EJ Committee
 - i. Work with EJSC to develop positions and briefing materials for DRA.
 - b. Co-lead Plan EJ 2014: Enforcement planning and implementation
 - i. Work with OECA EJ Council as co-lead (specific national projects and activities detailed in annual plan).
 - ii. Track and report enforcement results
 - c. Engage with implementation of Plan EJ 2014: Permitting annual plan.
 - i. Report on the implementation of Region 5 public plan for community engagement in permitting
 - ii. Participate in national Plan EJ 2014: Permitting workgroup
 - d. Engage with implementation of EJSCREEN
 - i. Co-lead EJSCREEN Implementation Workgroup with OEJ, and raise key policy and implementation issues for EJC review and decision.
 - e. Participate in EJ Coordinator calls
3. Region 5 promotes and supports actions by our co-regulators to achieve the EJ goal.
- a. Address EJ in the NEPPs process
 - i. Identify and promote EJ projects for PPAs

- ii. Help implement EJ projects in PPAs, and track results
 - b. Engage with Region 5 state EJ contacts.
 - i. Lead bi-monthly calls with Region 5 state EJ contacts
 - ii. Lead action to address state requests and needs identified through state EJ calls and other venues.
 - c. Participate in monthly all-states EJ calls.
4. Region 5 works with overburdened and vulnerable communities to recognize and address their EJ concerns.
- a. Help address EJ concerns in Chicago
 - i. Engage with EJ Alliance of Southeast Chicago
 - ii. Support inclusion of ORD's CCAT in Chicago CARE project
 - b. Support community-based project in Northwest Indiana
 - c. Maintain partnerships in SW Detroit with state, city and local entities
 - d. Respond to citizen complaints by referring to proper programs and tracking results
5. Region 5 communicates effectively with a range of stakeholders about its EJ program.
- a. Keep R5 EJ web-page relevant and up to date
 - b. Use EJ mailing lists for regular communication

